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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-211

13 **ANTHONY MCMILLAN, JR.**
21001 San Ramon Valley Blvd., #A4-176
San Ramon, CA 94583
14 Registered Nurse License No. RN 666575

ACCUSATION

Respondent.

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16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about September 27, 2005, the Board of Registered Nursing issued Registered
24 Nurse License Number RN 666575 to Anthony McMillan, Jr. (Respondent). The Registered
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on February 28, 2011, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Registered Nursing (Board),

1 Department of Consumer Affairs, under the authority of the following laws. All section
2 references are to the Business and Professions Code unless otherwise indicated.

3 STATUTORY PROVISIONS

4 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
5 that the Board may discipline any licensee, including a licensee holding a temporary or an
6 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
7 Nursing Practice Act.

8 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
9 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
10 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
11 Code, the Board may renew an expired license at any time within eight years after the expiration.

12 6. Section 490 of the Code provides, in pertinent part, that a board may suspend or
13 revoke a license on the ground that the licensee has been convicted of a crime substantially
14 related to the qualifications, functions, or duties of the business or profession for which the
15 license was issued.

16 7. Section 2761 of the Code states, in pertinent part:

17 The board may take disciplinary action against a certified or licensed nurse or deny an
18 application for a certificate or license for any of the following:

19 . . .

20 (f) Conviction of a felony or of any offense substantially related to the qualifications,
21 functions, and duties of a registered nurse, in which event the record of the conviction shall be
22 conclusive evidence thereof.

23 . . .

24 COSTS

25 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

1 CAUSE FOR DISCIPLINE

2 (Criminal Conviction)

3 9. Respondent is subject to disciplinary action under sections 490 and 2761(f) of the
4 Code in that he has been convicted of a crime substantially related to the qualifications,
5 functions, and duties of a registered nurse. The circumstances are as follows:

6 10. On or about May 20, 2009, in Alameda Superior Court case number 130047,
7 Respondent was convicted of having violated California Penal Code section 243(e) (spousal
8 battery).

9 PRAYER


10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number RN 666575, issued to
13 Anthony McMillan, Jr.;

14 2. Ordering Anthony McMillan, Jr. to pay the Board of Registered Nursing the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: 10/14/09

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20 LOUISE R. BAILEY, M.ED., RN
21 Interim Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant
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